

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1-6 have been cancelled without prejudice or disclaimer. New claims 52-57 have been added and substantially correspond to cancelled claims 1-6. New claims 52-57 are also supported at page 11, lines 27-28 and Figures 1-4 of the present application. No new matter has been added.

Applicant affirms the election of the subject matter of species A, original claims 1-6 (now claims 52-57).

§112 Rejections

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-6 have been cancelled rendering this rejection moot as to those claims. However, claims 1-6 have been rewritten as new claims 52-57. Insofar as this rejection applies to new claims 52-57, Applicant submits that new claim 52 clearly recites a piston associated with each chamber. Claims 52-57 also clearly define that the cylinders are aligned along a common longitudinal axis. Therefore, Applicant submits that claims 52-57 are definite. Withdrawal of the rejection is respectfully requested.

The above noted changes included in new claims 52-57 over canceled claims 1-6 were made to address formality issues only, and should not be construed as limiting.

§102 Rejections

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hayashi et al., U.S. 5,098,120. Applicant respectfully traverses this rejection. Claims 1 and 2 have been cancelled rendering this rejection moot as to those claims. However, Applicant responds to this rejection insofar as it applies to new claims 52 and 53.

Hayashi discloses a shock absorber with first and second cylinders 141, 161, each having a piston 142, 163. However, the second cylinder 161 does not disclose dampening of axial displacement of the second piston 163 using liquid in the second piston chamber, as required by claim 52.

The second cylinder and piston arrangement disclosed by Hayashi does not provide a dampening function. Hayashi discloses an arrangement that merely adjusts the height of a vehicle by injecting oil into either the upper or lower part of the second cylinder. Once oil has been injected into the cylinder, the cylinder chamber is sealed, thus preventing any displacement of the piston within the piston chamber. The height adjustment mechanism disclosed by Hayashi changes the stroke of the shock absorber rather than providing any shock absorption function, as does the configuration of claim 52. Therefore, Applicant submits that Hayashi fails to disclose every limitation of claim 52, and the claims that depend from it.

Claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Armstrong, U.S. 2,206,800. Applicant respectfully traverses this rejection. Claims 1 and 5 have been cancelled, rendering this rejection moot as to those claims. However, Applicant will respond to this rejection insofar as it applies to new claims 52 and 56.

Armstrong discloses a shock absorber with first and second cylinder chambers 20, 21 that are within a single casting 10. A crank 15 has nose pieces 16, 17 that engage with the tops of first and second pistons 18, 19, which are located within the first and second piston chambers 20, 21.

Armstrong fails to disclose cylinders that are "relatively displaceable" and that have a common longitudinal axis, as required by claim 52. Furthermore, the crank 15 disclosed by Armstrong cannot be considered to be a piston rod (connecting member) as suggested by the Examiner. Crank 15 rotates and is therefore not connected to the two pistons in such a way as to move the pistons in unison within the cylinder, as required by claim 52. Therefore, Applicant submits that Armstrong fails to disclose every limitation of claims 52 and 56.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Stenberg, U.S. 4,662,486. Applicant respectfully traverses this rejection. Claim 1 has been cancelled rendering the rejection of this claim moot. However, Applicant responds to this rejection insofar as it applies to new claim 52.

Stenberg discloses a hydraulic device for controlling a knee joint function in a leg prosthesis. The device has a single cylinder 1 divided into two cylinder chambers 3 and 4. A piston rod 6 extends between the first and second cylinder piston chambers. One end of the piston rod 6 is connected to a second cylinder piston located in the second piston chamber 4, while the opposing axial end of the piston rod 6 extends through an beyond the first cylinder piston chamber where it is fixed to the upper leg of a leg prosthesis. The cylinder 1 is fixed to the lower leg of the prosthesis. Therefore, Stenberg fails to disclose first and second "relatively displaceable" cylinders, as required by claim 52.

§103 Rejections

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. in view of Bourcier De Carbon, U.S. 2,774,446. Applicant respectfully traverses this rejection. Claim 3 has been cancelled, rendering this rejection moot as to that claim. However, Applicant responds to this rejection insofar as new claim 54 relates to cancelled claim 3.

As discussed above, Hayashi fails to disclose every limitation of claim 52. Bourcier De Carbon fails to remedy the deficiencies of Hayashi as it relates to claim 52. Therefore, claim 54 is allowable for at least the reason that it is dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable Hayashi et al. in view of Yamada et al., U.S. 5,360,230. Applicant respectfully traverses this rejection. Claim 4 has been cancelled, rendering this rejection moot as to that claim. However, Applicant responds to this rejection insofar as claim 55 relates to cancelled claim 4.

As discussed above, Hayashi fails to disclose every limitation of claim 52. Yamada fails to remedy the deficiencies of Hayashi as it relates to claim 52. Therefore,

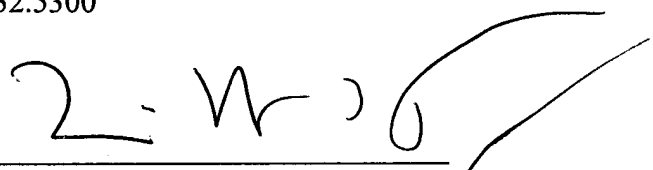
claim 52 is allowable for at least the reason it is dependent upon an allowable base claim.
Applicant does not otherwise concede the correctness of this rejection.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's attorney below at 612.336.4755.

Respectfully submitted,

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